

OFFICE OF SPECIAL MASTERS

No. 99-559V

Filed: April 8, 2003

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 MICHAEL LOIZZI by CARL LOIZZI, *
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 Petitioners, *
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 v. *
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 SECRETARY OF THE DEPARTMENT OF *
 HEALTH AND HUMAN SERVICES, *
 *
 Respondent. *
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PUBLISHED

ORDER

On April 1, 2003, this court conducted a telephonic status conference with representative counsel from petitioners' bar and the government on the discovery issues involving this and over 180 other Hepatitis B cases pending before this court. Prior to the next status conference, to be held in about thirty days:

1. The parties shall discuss amongst themselves the pros and cons of appointing an outside and independent expert or panel of experts to review any discovered materials or data obtained through an approved protocol. This discussion shall include a method for identifying the independent expert or panel appointee(s). **The parties shall make their best efforts to provide an answer on this issue by the next status conference, including any proposed method of appointment.**
2. The government shall determine the latest status of the PLA reviews (being conducted as part of the autism discovery proceedings) for the two Hepatitis B vaccines discussed.
3. The government shall obtain from the CDC a list of the ongoing Hepatitis B studies and their completion dates.
4. The government shall determine the answers to the following two questions: (1) are the

Institutional Review Boards (IRBs) charging a fee to review protocols and is this charge permitted pursuant to their agreement with the CDC, and (2) does the CDC require that the IRBs complete their review of the protocols within a certain time period.

5. The government shall e-mail the court, at Meredith_Mills@ao.uscourts.gov, the two published Hepatitis B studies (or their citations) discussed at the status conference.
6. The parties shall schedule, **by no later than May 2, 2003**, the next Hepatitis B Discovery status conference. The parties may contact Meredith A. Mills, at (202) 504-2329, to reserve a date for this call. **The parties shall also inform the court at that time whether the conference call should be on the record.**

The court remains committed to resolving the Hepatitis B discovery issues in a cooperative, flexible, and timely fashion. **With that goal in mind, the undersigned welcomes the opportunity to work with counsel informally, in an individual and mediator capacity, to further discuss and develop administrative options for resolving the difficult discovery and logistical issues.** The parties may contact Meredith A. Mills, at (202) 504-2329, to request the court's assistance prior to the next status conference or to raise any questions regarding this Order or the discovery proceedings in the Hepatitis B cases.

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master